

1 3. I am also informed that AFPD Lara Vinnard has spoken with Monterey County Assistant
2 District Attorney Rabow who stated that the attempted murder allegation was dropped based on a
3 time card and surveillance video showing Mr. Gutierrez was at work at the time of the shooting.

4 4. In reference to this case, on July 12, 2007, at 6:30 p.m., I received a phone call from Scott
5 Erdbacher, Attorney at Law. Mr. Erdbacher was the defendant's attorney in the Monterey County
6 Superior Court Case No. SS070720b in which Mr. Gutierrez was originally charged with a violation
7 of California Penal Code §664/187, attempted murder .

8 5. Mr. Erdbacher stated the PC §664/187, attempted murder charge, was dismissed and an
9 amended complaint was filed on May 15, 2007, reflecting this. Mr. Erdbacher stated Mr. Gutierrez
10 provided a video from his employment documenting he was not involved in the attempted murder.
11 Mr. Erdbacher can be reached at (831) 422-9606. His office is located at 21 W. Alisal Street, Civic
12 Center Building, Suite 100, Salinas, California.

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14 I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge.
15 This declaration was signed in the city of San Jose, county of Santa Clara, California, on July 13,
16 2007.

17 /s/
18 DOUGLAS COLE
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